

111TH CONGRESS
1ST SESSION

H. R. 4247

To prevent and reduce the use of physical restraint and seclusion in schools,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2009

Mr. GEORGE MILLER of California (for himself and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To prevent and reduce the use of physical restraint and
seclusion in schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Harmful
5 Restraint and Seclusion in Schools Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Physical restraint and seclusion have re-
9 sulted in physical injury, psychological trauma, and
10 death to children in public and private schools. Na-

1 tional research shows students have been subjected
2 to physical restraint and seclusion in schools as a
3 means of discipline, to force compliance, or as a sub-
4 stitute for appropriate educational support.

5 (2) Behavioral interventions for children must
6 promote the right of all children to be treated with
7 dignity. All children have the right to be free from
8 physical or mental abuse, aversive behavioral inter-
9 ventions that compromise health and safety, and any
10 physical restraint or seclusion imposed solely for
11 purposes of discipline or convenience.

12 (3) Safe, effective, evidence-based strategies are
13 available to support children who display challenging
14 behaviors in school settings. Staff training focused
15 on the dangers of physical restraint and seclusion as
16 well as training in evidence-based positive behavior
17 supports, de-escalation techniques, and physical re-
18 straint and seclusion prevention, can reduce the inci-
19 dence of injury, trauma, and death.

20 (4) School personnel have the right to work in
21 a safe environment and should be provided training
22 and support to prevent injury and trauma to them-
23 selves and others.

24 (5) Despite the widely recognized risks of phys-
25 ical restraint and seclusion, a substantial disparity

1 exists among many States and localities with regard
2 to the protection and oversight of the rights of chil-
3 dren and school personnel to a safe learning environ-
4 ment.

5 (6) Children are subjected to physical restraint
6 and seclusion at higher rates than adults. Physical
7 restraint which restricts breathing or causes other
8 body trauma, as well as seclusion in the absence of
9 continuous face-to-face monitoring, have resulted in
10 the deaths of children in schools.

11 (7) Children are protected from inappropriate
12 physical restraint and seclusion in other settings,
13 such as hospitals, health facilities, and non-medical
14 community-based facilities. Similar protections are
15 needed in schools, yet such protections must ac-
16 knowledge the differences of the school environment.

17 (8) Research confirms that physical restraint
18 and seclusion are not therapeutic, nor are these
19 practices effective means to calm or teach children,
20 and may have an opposite effect while simulta-
21 neously decreasing a child's ability to learn.

22 (9) The effective implementation of school-wide
23 positive behavior supports is linked to greater aca-
24 demic achievement, significantly fewer disciplinary

1 problems, increased instruction time, and staff per-
2 ception of a safer teaching environment.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are to—

5 (1) prevent and reduce the use of physical re-
6 straint and seclusion in schools;

7 (2) ensure the safety of all students and per-
8 sonnel in schools and promote a positive school cul-
9 ture and climate;

10 (3) protect students from—

11 (A) physical or mental abuse;

12 (B) aversive behavioral interventions that
13 compromise health and safety; and

14 (C) any physical restraint or seclusion im-
15 posed solely for purposes of discipline or con-
16 venience;

17 (4) ensure that physical restraint and seclusion
18 are imposed in school only when a student's behavior
19 poses an imminent danger of physical injury to the
20 student, school personnel, or others; and

21 (5) assist States, local educational agencies,
22 and schools in—

23 (A) establishing policies and procedures to
24 keep all students and school personnel safe, in-

cluding students with the most complex and intensive behavioral needs;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and all school personnel;

(C) collecting and analyzing data on physical restraint and seclusion in schools; and

(D) identifying and implementing effective evidence-based models to prevent and reduce physical restraint and seclusion in schools.

SEC. 4. DEFINITIONS.

In this Act:

(1) **CHEMICAL RESTRAINT.**—The term “chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician for the standard treatment of a student’s medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician.

(2) **EDUCATIONAL SERVICE AGENCY.**—The term “educational service agency” has the meaning given such term in section 9101(17) of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 7801(17)).

3 (3) ELEMENTARY SCHOOL.—The term “elemen-
4 tary school” has the meaning given the term in sec-
5 tion 9101(18) of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 7801(18)).

7 (4) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 the term in section 9101(26) of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C.
11 7801(26)).

12 (5) MECHANICAL RESTRAINT.—The term “me-
13 chanical restraint” has the meaning given the term
14 in section 595(d)(1) of the Public Health Service
15 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
16 ing shall be applied by substituting “student’s” for
17 “resident’s”.

18 (6) PARENT.—The term “parent” has the
19 meaning given the term in section 9101(31) of the
20 Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 7801(31)).

22 (7) PHYSICAL ESCORT.—The term “physical es-
23 cort” has the meaning given the term in section
24 595(d)(2) of the Public Health Service Act (42

1 U.S.C. 290jj(d)(2)), except that the meaning shall
2 be applied by substituting “student” for “resident”.

3 (8) PHYSICAL RESTRAINT.—The term “physical
4 restraint” has the meaning given the term in section
5 595(d)(3) of the Public Health Service Act (42
6 U.S.C. 290jj(d)(3)).

7 (9) POSITIVE BEHAVIOR SUPPORTS.—The term
8 “positive behavior supports” means a systematic ap-
9 proach to embed evidence-based practices and data-
10 driven decisionmaking to improve school climate and
11 culture, including a range of systemic and individ-
12 ualized strategies to reinforce desired behaviors and
13 diminish reoccurrence of problem behaviors, in order
14 to achieve improved academic and social outcomes
15 and increase learning for all students, including
16 those with the most complex and intensive behav-
17 ioral needs.

18 (10) PROTECTION AND ADVOCACY SYSTEM.—
19 The term “protection and advocacy system” means
20 a protection and advocacy system established under
21 section 143 of the Developmental Disabilities Assist-
22 ance and Bill of Rights Act of 2000 (42 U.S.C.
23 15043).

24 (11) SCHOOL.—The term “school” means an
25 entity that—

1 (A) is a public or private—

2 (i) day or residential elementary
3 school or secondary school; or

4 (ii) early childhood, elementary school,
5 or secondary school program that is under
6 the jurisdiction of a school, educational
7 service agency, or other educational insti-
8 tution or program; and

9 (B) receives, or serves students who re-
10 ceive, support in any form from any program
11 supported in whole or in part, directly or indi-
12 rectly, with funds appropriated to the Depart-
13 ment of Education.

14 (12) SCHOOL PERSONNEL.—The term “school
15 personnel” has the meaning—

16 (A) given the term in section 4151(10) of
17 the Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 7161(10)); and

19 (B) given the term “school resource offi-
20 cer” in section 4151(11) of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C.
22 7161(11)).

23 (13) SECONDARY SCHOOL.—The term sec-
24 ondary school has the meaning given such term in

1 section 9101(38) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801(38)).

3 (14) SECLUSION.—The term “seclusion” has
4 the meaning given the term in section 595(d)(4) of
5 the Public Health Service Act (42 U.S.C.
6 290jj(d)(4)).

7 (15) SECRETARY.—The term “Secretary”
8 means the Secretary of Education.

9 (16) STATE-APPROVED TRAINING PROGRAM.—
10 The term “State-approved training program” means
11 a training program approved by a State and the
12 Secretary that, at a minimum, provides—

13 (A) evidence-based techniques shown to be
14 effective in the prevention, and safe use, of
15 physical restraint and seclusion;

16 (B) evidence-based skills training related
17 to positive behavior supports, safe physical es-
18 cort, conflict prevention, de-escalation, and con-
19 flict management;

20 (C) first aid and cardiopulmonary resus-
21 citation; and

22 (D) certification for school personnel in the
23 techniques and skills described in subpara-
24 graphs (A) through (C), which shall be required
25 to be renewed on a periodic basis.

1 (17) STATE.—The term “State” has the mean-
2 ing given the term in section 9101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 7801).

5 (18) STATE EDUCATIONAL AGENCY.—The term
6 “State educational agency” has the meaning given
7 such term in section 9101(41) of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C.
9 7801(41)).

10 (19) STUDENT.—The term “student” means a
11 student enrolled in a school defined in paragraph
12 (11), except that in the case of a private school or
13 private program, such term means a student en-
14 rolled in such school or program who receives sup-
15 port in any form from any program supported in
16 whole or in part, directly or indirectly, with funds
17 appropriated to the Department of Education.

18 (20) TIME OUT.—The term “time out” has the
19 meaning given the term in section 595(d)(5) of the
20 Public Health Service Act (42 U.S.C. 290jj(d)(5)),
21 except that the meaning shall be applied by sub-
22 stituting “student” for “resident”.

23 **SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

24 (a) MINIMUM STANDARDS.—Not later than 180 days
25 after the date of the enactment of this Act, in order to

1 protect each student from physical or mental abuse, aver-
2 sive behavioral interventions that compromise student
3 health and safety, or any physical restraint or seclusion
4 imposed solely for purposes of discipline or convenience
5 or in a manner otherwise inconsistent with this Act, the
6 Secretary shall promulgate regulations establishing the
7 following minimum standards:

8 (1) School personnel shall be prohibited from
9 imposing on any student the following:

10 (A) Mechanical restraints.

11 (B) Chemical restraints.

12 (C) Physical restraint or physical escort
13 that restricts breathing.

14 (D) Aversive behavioral interventions that
15 compromise health and safety.

16 (2) School personnel shall be prohibited from
17 imposing physical restraint or seclusion on a student
18 unless—

19 (A) the student's behavior poses an immi-
20 nent danger of physical injury to the student,
21 school personnel, or others;

22 (B) less restrictive interventions would be
23 ineffective in stopping such imminent danger of
24 physical injury;

1 (C) such physical restraint or seclusion is
2 imposed by school personnel who—

3 (i) continuously monitor the student
4 face-to-face; or

5 (ii) if school personnel safety is sig-
6 nificantly compromised by such face-to-face
7 monitoring, are in continuous direct visual
8 contact with the student;

9 (D) such physical restraint or seclusion is
10 imposed by—

11 (i) school personnel trained and cer-
12 tified by a State-approved training pro-
13 gram (as defined in section 4(16)); or

14 (ii) other school personnel in the case
15 of a rare and clearly unavoidable emer-
16 gency circumstance when school personnel
17 trained and certified as described in clause
18 (i) are not immediately available due to the
19 unforeseeable nature of the emergency cir-
20 cumstance; and

21 (E) such physical restraint or seclusion
22 end immediately upon the cessation of the con-
23 ditions described in subparagraphs (A) and (B).

24 (3) States and local educational agencies shall
25 ensure that a sufficient number of personnel are

1 trained and certified by a State-approved training
2 program (as defined in section 4(16)) to meet the
3 needs of the specific student population in each
4 school.

5 (4) The use of physical restraint or seclusion as
6 a planned intervention shall not be written into a
7 student's education plan, individual safety plan, be-
8 havioral plan, or individualized education program
9 (as defined in section 602 of the Individuals with
10 Disabilities Act (20 U.S.C. 1401)). Local edu-
11 cational agencies or schools may establish policies
12 and procedures for use of physical restraint or seclu-
13 sion in school safety or crisis plans, provided that
14 such school plans are not specific to any individual
15 student.

16 (5) Schools shall establish procedures to be fol-
17 lowed after each incident involving the imposition of
18 physical restraint or seclusion upon a student, in-
19 cluding—

20 (A) procedures to provide to the parent of
21 the student, with respect to each such inci-
22 dent—

23 (i) an immediate verbal or electronic
24 communication on the same day as each
25 such incident; and

1 (ii) within 24 hours of each such inci-
2 dent, written notification; and

3 (B) any other procedures the Secretary de-
4 termines appropriate.

5 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to authorize the Secretary to pro-
7 mulgate regulations prohibiting the use of—

8 (1) time out (as defined in section 4(20)); or

9 (2) devices implemented by a trained school
10 personnel, or utilized by a student, for the specific
11 and approved therapeutic or safety purposes for
12 which such devices were designed and, if applicable,
13 prescribed, including—

14 (A) restraints for medical immobilization;

15 (B) adaptive devices or mechanical sup-
16 ports used to achieve proper body position, bal-
17 ance, or alignment to allow greater freedom of
18 mobility than would be possible without the use
19 of such devices or mechanical supports; or

20 (C) vehicle safety restraints when used as
21 intended during the transport of a student in a
22 moving vehicle.

1 **SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND EN-**
2 **FORCEMENT.**

3 (a) STATE PLAN.—Not later than 2 years after the
4 Secretary promulgates regulations pursuant to section
5 5(a), and each year thereafter, each State educational
6 agency shall submit to the Secretary a State plan that pro-
7 vides—

8 (1) assurances to the Secretary that the State
9 has in effect—

10 (A) State policies and procedures that
11 meet the minimum standards, including the
12 standards with respect to State-approved train-
13 ing programs, established by regulations pro-
14 mulgated pursuant to section 5(a); and

15 (B) a State mechanism to effectively mon-
16 itor and enforce the minimum standards;

17 (2) a description of the State policies and pro-
18 cedures, including a description of the State-ap-
19 proved training programs in such State; and

20 (3) a description of the plans to ensure school
21 personnel and parents are aware of the State poli-
22 cies and procedures.

23 (b) REPORTING.—

24 (1) REPORTING REQUIREMENTS.—Not later
25 than 2 years after the date the Secretary promul-
26 gates regulations pursuant to section 5(a), and each

1 year thereafter, each State educational agency shall
2 (in compliance with the requirements of section 444
3 of the General Education Provisions Act (commonly
4 known as the “Family Educational Rights and Pri-
5 vacy Act of 1974”) (20 U.S.C. 1232g)) prepare and
6 submit to the Secretary, and make available to the
7 public, a report with respect to each local edu-
8 cational agency, and each school not under the juris-
9 diction of a local educational agency, located in the
10 same State as such State educational agency, that
11 includes the information described in paragraph (2).

12 (2) INFORMATION REQUIREMENTS.—

13 (A) GENERAL INFORMATION REQUIRE-
14 MENTS.—The report described in paragraph (1)
15 shall include information on—

16 (i) the total number of incidents in
17 the preceding full-academic year in which
18 physical restraint was imposed upon a stu-
19 dent; and

20 (ii) the total number of incidents in
21 the preceding full-academic year in which
22 seclusion was imposed upon a student.

23 (B) DISAGGREGATION.—

24 (i) GENERAL DISAGGREGATION RE-
25 QUIREMENTS.—The information described

1 in subparagraph (A) shall be disaggregated
2 by—

3 (I) the total number of incidents
4 in which physical restraint or seclu-
5 sion was imposed upon a student—

6 (aa) that resulted in injury;

7 (bb) that resulted in death;

8 and

9 (cc) in which the school per-
10 sonnel imposing physical re-
11 straint or seclusion were not
12 trained and certified as described
13 in section 5(a)(2)(D)(i); and

14 (II) the demographic characteris-
15 tics of all students upon whom phys-
16 ical restraint or seclusion was im-
17 posed, including—

18 (aa) the categories identified
19 in section 1111(h)(1)(C)(i) of the
20 Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C.
22 6311(h)(1)(C)(i));

23 (bb) age; and

24 (cc) disability status (which
25 has the meaning given the term

1 “individual with a disability” in
2 section 7(20) of the Rehabilita-
3 tion Act of 1973 (29 U.S.C.
4 705(20))).

5 (ii) UNDUPLICATED COUNT; EXCEP-
6 TION.—The disaggregation required under
7 clause (i) shall—

8 (I) be carried out in a manner to
9 ensure an unduplicated count of the—

10 (aa) total number of inci-
11 dents in the preceding full-aca-
12 demic year in which physical re-
13 straint was imposed upon a stu-
14 dent; and

15 (bb) total number of inci-
16 dents in the preceding full-aca-
17 demic year in which seclusion
18 was imposed upon a student; and

19 (II) not be required in a case in
20 which the number of students in a
21 category would reveal personally iden-
22 tifiable information about an indi-
23 vidual student.

24 (c) ENFORCEMENT.—

25 (1) IN GENERAL.—

1 (A) USE OF REMEDIES.—If a State edu-
2 cational agency fails to comply with subsection
3 (a) or (b), the Secretary shall—

4 (i) withhold, in whole or in part, fur-
5 ther payments under an applicable pro-
6 gram (as such term is defined in section
7 400(c) of the General Education Provi-
8 sions Act (20 U.S.C. 1221)) in accordance
9 with section 455 of such Act (20 U.S.C.
10 1234d);

11 (ii) require a State educational agency
12 to submit, and implement, within 1 year of
13 such failure to comply, a corrective plan of
14 action, which may include redirection of
15 funds received under an applicable pro-
16 gram; or

17 (iii) issue a complaint to compel com-
18 pliance of the State educational agency
19 through a cease and desist order, in the
20 same manner the Secretary is authorized
21 to take such action under section 456 of
22 General Education Provisions Act (20
23 U.S.C. 1234d).

24 (B) CESSATION OF WITHHOLDING OF
25 FUNDS.—Whenever the Secretary determines

1 (whether by certification or other appropriate
2 evidence) that a State educational agency who
3 is subject to the withholding of payments under
4 subparagraph (A)(i) has cured the failure pro-
5 viding the basis for the withholding of pay-
6 ments, the Secretary shall cease the withholding
7 of payments with respect to the State edu-
8 cational agency under such subparagraph.

9 (2) RULE OF CONSTRUCTION.—Nothing in this
10 subsection shall be construed to limit the Secretary’s
11 authority under the General Education Provisions
12 Act (20 U.S.C. 1221 et seq.).

13 **SEC. 7. GRANT AUTHORITY.**

14 (a) IN GENERAL.—From the amount appropriated
15 under section 12, the Secretary may award grants to State
16 educational agencies to assist the agencies in—

17 (1) establishing, implementing, and enforcing
18 the policies and procedures to meet the minimum
19 standards established by regulations promulgated by
20 the Secretary pursuant to section 5(a);

21 (2) improving State and local capacity to collect
22 and analyze data related to physical restraint and
23 seclusion; and

1 (3) improving school climate and culture by im-
2 plementing school-wide positive behavior support ap-
3 proaches.

4 (b) DURATION OF GRANT.—A grant under this sec-
5 tion shall be awarded to a State educational agency for
6 a 3-year period.

7 (c) APPLICATION.—Each State educational agency
8 desiring a grant under this section shall submit an appli-
9 cation to the Secretary at such time, in such manner, and
10 accompanied by such information as the Secretary may
11 require, including information on how the State edu-
12 cational agency will target resources to schools and local
13 educational agencies in need of assistance related to pre-
14 venting and reducing physical restraint and seclusion.

15 (d) AUTHORITY TO MAKE SUBGRANTS.—

16 (1) IN GENERAL.—A State educational agency
17 receiving a grant under this section may use such
18 grant funds to award subgrants, on a competitive
19 basis, to local educational agencies.

20 (2) APPLICATION.—A local educational agency
21 desiring to receive a subgrant under this section
22 shall submit an application to the applicable State
23 educational agency at such time, in such manner,
24 and containing such information as the State edu-
25 cational agency may require.

1 (e) REQUIRED ACTIVITIES.—A State educational
2 agency receiving a grant, or a local educational agency re-
3 ceiving a subgrant, under this section shall use such grant
4 or subgrant funds to carry out the following:

5 (1) Researching, developing, implementing, and
6 evaluating strategies, policies, and procedures to pre-
7 vent and reduce physical restraint and seclusion in
8 schools, consistent with the minimum standards es-
9 tablished by regulations promulgated by the Sec-
10 retary pursuant to section 5(a).

11 (2) Providing professional development, train-
12 ing, and certification for school personnel to meet
13 such standards.

14 (3) Carrying out the reporting requirements
15 under section 6(b) and analyzing the information in-
16 cluded in a report prepared under such section to
17 identify student, school personnel, and school needs
18 related to use of physical restraint and seclusion.

19 (f) ADDITIONAL AUTHORIZED ACTIVITIES.—In addi-
20 tion to the required activities described in subsection (e),
21 a State educational agency receiving a grant, or a local
22 educational agency receiving a subgrant, under this sec-
23 tion may use such grant or subgrant funds for one or more
24 of the following:

1 (1) Developing and implementing high-quality
2 professional development and training programs to
3 implement evidence-based systematic approaches to
4 school-wide positive behavior supports, including im-
5 proving coaching, facilitation, and training capacity
6 for administrators, teachers, specialized instructional
7 support personnel, and other staff.

8 (2) Providing technical assistance to develop
9 and implement evidence-based systematic approaches
10 to school-wide positive behavior supports, including
11 technical assistance for data-driven decision-making
12 related to behavioral supports and interventions in
13 the classroom.

14 (3) Researching, evaluating, and disseminating
15 high-quality evidence-based programs and activities
16 that implement school-wide positive behavior sup-
17 ports with fidelity.

18 (4) Supporting other local positive behavior
19 support implementation activities consistent with
20 this subsection.

21 (g) EVALUATION AND REPORT.—Each State edu-
22 cational agency receiving a grant under this section shall,
23 at the end of the 3-year grant period for such grant—

24 (1) evaluate the State’s progress toward the
25 prevention and reduction of physical restraint and

1 seclusion in the schools located in the State, con-
2 sistent with the minimum standards established by
3 regulations promulgated by the Secretary pursuant
4 to section 5(a); and

5 (2) submit to the Secretary a report on such
6 progress.

7 **SEC. 8. NATIONAL ASSESSMENT.**

8 (a) NATIONAL ASSESSMENT.—The Secretary shall
9 carry out a national assessment to determine the effective-
10 ness of this Act, which shall include—

11 (1) analyzing data related to physical restraint
12 and seclusion incidents;

13 (2) analyzing the effectiveness of Federal,
14 State, and local efforts to prevent and reduce the
15 number of physical restraint and seclusion incidents
16 in schools;

17 (3) identifying the types of programs and serv-
18 ices that have demonstrated the greatest effective-
19 ness in preventing and reducing the number of phys-
20 ical restraint and seclusion incidents in schools; and

21 (4) identifying evidence-based personnel train-
22 ing models with demonstrated success in preventing
23 and reducing the number of physical restraint and
24 seclusion incidents in schools, including models that

1 emphasize positive behavior supports and de-esca-
2 lation techniques over physical intervention.

3 (b) REPORT.—The Secretary shall submit to the
4 Committee on Education and Labor of the House of Rep-
5 resentatives and the Committee on Health, Education,
6 Labor, and Pensions of the Senate—

7 (1) an interim report that summarizes the pre-
8 liminary findings of the assessment described in sub-
9 section (a) not later than 3 years after the date of
10 enactment of this Act; and

11 (2) a final report of the findings of the assess-
12 ment not later than 5 years after the date of the en-
13 actment of this Act.

14 **SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.**

15 Protection and Advocacy Systems shall have the au-
16 thority provided under section 143 of the Developmental
17 Disabilities Assistance and Bill of Rights Act of 2000 (42
18 U.S.C. 15043) to investigate, monitor, and enforce protec-
19 tions provided for students under this Act.

20 **SEC. 10. HEAD START PROGRAMS.**

21 (a) REGULATIONS.—The Secretary of Health and
22 Human Services, in consultation with the Secretary, shall
23 promulgate regulations with respect to Head Start agen-
24 cies administering Head Start programs under the Head

1 Start Act (42 U.S.C. 9801 et seq.) that establish require-
2 ments consistent with—

3 (1) the requirements established by regulations
4 promulgated pursuant to section 5(a); and

5 (2) the reporting and enforcement requirements
6 described in subsections (b) and (c) of section 6.

7 (b) GRANT AUTHORITY.—From the amount appro-
8 priated under section 12, the Secretary may allocate funds
9 to the Secretary of Health and Human Services to assist
10 the Head Start agencies in establishing, implementing,
11 and enforcing policies and procedures to meet the require-
12 ments established by regulations promulgated pursuant to
13 subsection (a).

14 **SEC. 11. LIMITATION OF AUTHORITY.**

15 Nothing in this Act shall be construed to restrict or
16 limit, or allow the Secretary to restrict or limit, any other
17 rights or remedies otherwise available to students or par-
18 ents under Federal or State law.

19 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as may be necessary to carry out this Act for fiscal year
22 2011 and each of the 4 succeeding fiscal years.

○